1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

who needed food, by the indolent who were too lazy to provide for their own support, by gamblers and by prostitutes who wanted finery. Parents often sold a child, to be replaced by a younger one when the first was old enough materially to contribute to the family welfare. Sometimes destitute people offered a bondsman in return for a loan from a more fortunate neighbor. If the bondsman died in service or the master took any property unlawfully the debt was discharged. To avoid this contingency the owner made the slave live at home and perform only personal services. Slavery, except in the case of war prisoners, was not too exacting. A slave could control his family, own property or even have slaves of his own. His children were always born free. What the slave lost was his eligibility for tribal office, which depended, as we have seen, on public service and was negated by his reliance on the bounty of others or his commission of antisocial acts.

An important aspect of the legal code of the Aztecs involved the loss of civil rights as a result of flagrant antisocial acts. In general, custom dictated and regulated human behavior. Membership in the community brought safety and subsistence. To break away or to be cast off meant death at the hands of foes or isolation as a solitary wanderer, a prey to marauding beasts. Competition for rank and renown existed in the field of public service rather than in the acquisition of wealth. Hence the antisocial behavior implicit in attaining many of our own higher grades or ranks was held to a minimum.[9]

Growth of the community to a size where none but the great were known to society at large probably tended to break down the sense of membership and participation, so

X 796 782 they might not become slothful was this done in the houses.

quimjxitiaia injc amo tlatzivizcujxque techan in muchioaia yn.

The Casting of Copal [Incense].

And the casting of *copal* [incense] was thus done, when any weighty words were yet to be said, or a judgment was yet to be uttered: first one cast *copal* [incense] into the fire. [For] whoever was to speak [weighty words], here lay the *copal* in a gourd vessel. Or else the singer, before he was to sing, thus did: first he cast *copal* into the brazier, and then the singer began [to sing].

Copaltemaliztli.

Auh in copaltemaliztli ic muchioaia, yn iquac in tlein tlatolli ie mjtoz, aço tecutlatolli ie mitoz, achto contemaia in copalli, in tleco: in aqujn ie tlatoz, çan vncan manca in copalli xicaltica: anoço cujcanj in ie cujcaz, ic peoaz, achto contema in copalli in tlequauco, njman ic peoa in cujcanj.

The Eating [Kissing] of the Earth.

[201 576] The eating [kissing] of the earth was thus done, when men came into any place: everyone kissed the earth, with one finger [touched to the ground and then to the mouth], either before the devil or else in front of the hearth.

Tlalqualiztli.

In tlalqualiztli ic muchioaia, iquac in campa oalhujlooaia, muchi tlacatl ontlalquaia, ica in ce imapil, aço ispan diablo, anoço tlecujlixquac:

[626] And thus was protested, thus was avouched one's word. When one put not much faith in [another's] word, thus he said unto him:

"If what thou sayest is true, do thou kiss the earth."

Whosoever it was then thus kissed the earth, and thus he bore witness to [the truth of] his words.

yoan ic tlaneltililoia, ic neltia in tlatolli: yn iquac tlein amo cenca neltocoia tlatolli: ic teilhujloia

intla nelli in tiquitoa, tlaxontlalqua:
ic njman tlalquaia in aqujn, ic qujneltiliaia itlatol.

The [Ceremonial] Casting [of a Libation].

X 796 782 264 And thus was done the casting [of a libation]: When anything was to be eaten, and was not yet eaten, perchance of the food first a very small morsel was cut and cast in front of the hearth. When they had cast it, then they began to eat. No one first ate [before], indeed, libations had been cast in front of the hearth.

Tlatlaçaliztli.

Auh inic muchioaia tlatlacaliztli, iquac in tlein qualoz yn aiamo qualo, aço tlaqualli, achtopa achton tepitõ mocotonaia, tlecujlixquac onmotlaçaia: in ontlatlaçaloc njman ic peoa inic tlaqualoz: aiac achto tlaquaia vel achto tlatlatlaçaloia, in tlecujlixquac.

The [Ceremonial] Pouring [of a Libation].

X 796 782 273 Thus was done the [ceremonial] pouring [of a libation], when an offering was made [to the god], perchance at the feast of the wine gods: When anyone made new wine, when it [began to] increase, when thus it [began to] sound, they laid it as an offering in a bowl, in front of the hearth; and [they laid it] in small drinking vessels.

Tlatoiacaliztli.

Inic muchioaia tlatoiacaliztli, iquac in tlamanaloia, aço vitziecoloia: iquac in aca iancujcan qujtlalia vetli, yn iquac oqujtlapiuj, iquac ic tenoczaia, qujoalmana apaxtica tlecujlixquac, yoan tetlauancaxtepitõn.

782 626

A True [Relation] of how They Prayed to the Devils, and how Oaths Were Made.

When an oath was taken: when anyone made a vow [for] his children before the devils, he made vows in perchance two [temples] or in three of what he would cause to be done for the devils. Mayhap his young son had been struck [by sickness]; or, for whatever had befallen, when he made the vow, [he promised] that he would perform penances for them.

And also when an oath was taken, when anyone stated something, in order that he prove it, it was said [to him]:

"That thy words be proved, that thou shalt not lie, do thou kiss the earth."

When, thus, he kissed the earth who had stated something, he thus bore witness to his words, and that he not be held as a liar, he said:

"Well do the sun and the earth-goddess know [the truth of this]. Now I kiss the earth [in token of it]."

Thus were oaths taken.

And if [it was] a supplication, it was done with these—the offering of incense, and sacrifices, and the kissing of the earth, and the offering of blood.

Imelaoaca in quenjn tlatlauhtiloia diablome, yoan in quenjn muchioaia Juramento.

In iquac muchioaia Juramẽto in jquac aca qujnetoltia iconcuh ivjcpa Diablome, aço vccan, anoço Excan qujnetoltia, in tlein qujnchiviliz Diablome, aço motlavitequj piltontli, anoço tlein ipan muchioa, iquac quinetoltiaia, injc ivicpa tlamaceoaz.

Auh no ioã iquac muchioaia in Juramento in iquac aca tlein qujteilhujaia, injc qujneltiliaia, ilhujloia.

Jnjc neltiz motlatol, injc amo tiztlacatiz tlaxontlalqua.

iquac njmã tlalquaia in aqujn tlen qujteilhujaia ic qujneltiliaia in jtlatol inic amo iztlacamachoia qujtoaia,

vel qujmati in tonatiuh, in tlaltecutli ie nontlalqua.

Iuhquj in injc muchioaia Juramento.

Auh intla tlatlauhtiliztli, ic muchivaia çan ichoatl in tlenamaquiliztli, yoan nextlavaliztli, yoã tlalqualiztli, nestlavaliztli.

16:Bandelier E-4 (no date)1880 NU7 Aztec NU7

became, according to rules of kinship, one against the social group to which he belonged. This presupposes again a general division of crimes into two classes, one of which includes such as were committed by members of the kin against other members thereof or against institutions of the same group to which they belonged. The other comprises offenses committed by inhabitants of one calpulli against those of another. It is only the first class which we take under consideration here, the second we reserve for our discussion of the mode of government. Crimes committed within the kin can be classified as against persons, against property, and against medicine.

The aborigines of Mexico are generally represented as being, in their every-day's intercourse, of a quiet, peaceable, inoffensive disposition, contrasting strongly with their savage ferocity in warfare. This was not however due to any innate gentleness and mildness of nature, but only to the peculiar restraint enforced upon them by the law of retaliation or revenge.[121] Brawls resulting in bodily injury were therefore of extremely rare occurrence, and then it was left to the parties to settle it among themselves. In such cases, as in the event of mutual jealousy, a challenge often passed between them, and this challenge brought about an encounter at *the next campaign* when, while the warriors were engaged with the enemies of the tribe, the contestants fought as if they had belonged to opposite camps, until one of them

[121] The character of the Mexican Aborigines is variously depicted by older writers. It appears as a mixture of childlike docility and fierce passions. *Cortés* ("*Carta Segunda*," p. 18. Vedia, Vol. I), speaks of them according to the reports of the Tlaxcaltecans. *Bernal Diez* ("*Historia* etc.," pp. 309 and 310. Cap. CCVIII. Vedia II), specially dwells on their vices and their cruelty, as evidenced in their sacrifices. "*El Conquistador Anónimo*" (Col. de Docum., I, pp. 371, 383, 387, and 397), places great stress on their ferocity, although he also says that they are very obedient. The missionaries generally exalt their good sides—their docility and faithfulness. Compare *Motolinia* (Trat. I, cap. XIV, pp. 76 and 77). The same (Trat. I, cap. II, pp. 22 and 23), mentions, however, their vices also, attributing nearly all of them (idolatry excepted), to their inclination towards intemperance. (Trat. II, cap. IV, p. 113): "Lo que de esta generacion se puede decir es, que son muy extranos de nuestra condicion . . ." *Zurita* (p. 197—207), is very bitter against such as treat the Indians as barbarians. (Id., 42 and 43). *Mendieta* (Lib. III, cap. XLIII, p. 290), says that they were very willing to forgive and ask to be forgiven, the latter taking place, before going to confess themselves, sometimes before all the relationship and the neighbors: "suelen algunos juntar (al tiempo que se quieren confesar) toda su parentela y vecinos con quien communican, y pediries perdon en la manera dicha." Against this, it is reported by *Torquemada* (Lib. XIV, cap. I, p. 635), that "these people were naturally more vindictive, than all the rest of the world." Compare also the descriptions of the character of the Mexicans in *Clavigero* (Lib. I, cap. XV).

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7

626 was disabled or until he voluntarily withdrew.[122] Slanderers,
[681 however, were punished by the kin, having their lips cut off
[682 or publicly sliced.[123] Homicide, and murder, were invariably
683 punished by death.[124]

689 Intemperance in public was free to people more than seventy years old, while if grown men below that age appeared in a drunken state (festivities excepted), their heads were shorn clean in punishment. But whenever the delinquent was a chief he was publicly degraded; and any officer was forthwith removed and relieved of his duties.[125] Women who attempted to act as

[122] *Gomara* (Vedia I, p. 440): "no traen armas sino en la guerra, y allí averiguan sus pendencias por desafios." *Bartolomé de las Casas* ("*Historia apologética de Indias*," cap. 213 and 214. Vol. VIII of Lord Kingsborough, note XLV, p. 124). Bystanders interfered, separating the parties, if they came to blows. *Motolinia* (Trat. I, cap. II, p. 23), says that such strife and quarrels only occurred when they were drunk: "Y fuera de estar beodos son tan pacíficos, que cuando riñen mucho se empujan uno á otro, y apenas nunca dan voces, si no es las mugeres que algunos veces riñendo dan gritos." (Cap. XIV, p. 76): "Sin rencillos ni enemistades pasan su vida." *Torquemada* (Lib. XII, cap. XV, pp. 398 and 399). *Herrera* (Dec. III, Lib. IV, cap. XVI, p. 136).

[123] *Zurita* ("Rapport," etc., pp. 129 and 130) speaks only of children, punished by splitting the lips for lying. This is copied by *Herrera* (Dec. III, Lib. IV, cap. XVI, p. 136) and *Torquemada* (Lib. XIII, cap. XXX, p. 478). *Vetancurt* (Part II, Trat. III, p. 68), however, declares this punishment to have been meted out to adults, adding: "to-day there would be many without lips, so much do they lie." *Gomara* ("*Conquista*," p. 438, Vedia I) speaks of this punishment as having been instituted by Quetzalcohuatl, and for adults as well as for children. This, attributing it to Quetzalcohuatl, is an evident error. Compare *Sahagun*, (Lib. III, cap. III, p. 244). *Clavigero* (Lib. VII, cap. XVII, p. 489) is positive about adults. *Bustamante* ("*Tezcoco*," p. 195) says that slanderers were killed.

[124] *Las Casas* ("*Historia Apologética*," cap. 213, Kingsb: Vol. VIII, p. 123): Destos era el que mataba á otro, el cual moria por ello." *Gomara* (Vedia I, p. 442): "Matan al matador sin excepcion ninguna." *Mendieta* (Lib. II, cap. XXIX. p. 136): "Sentenciaban á muerte á los que cometian enormes y graves delitos, asi como á los homicidos. El que mataba á otro, moria por ello." *Torquemada* (Lib. XII, cap. VIII, p. 387), almost copies the preceding. Nearly all the authors agree on this point, except, according to *Mr. Bancroft* ("*Native Races*," Vol II, p. 469. note 59), Durán, who is said to assert: "that the murderer did not suffer death, but became the slave for life of the wife or relatives of the deceased." In this Durán agrees with the "*Codice Ramirez*." *Vetancurt* ("*Teatro*," Vol. I, p. 485) says that even for murder committed in a drunken state, the culprit was killed (hung). *Clavigero* (Lib. VII, cap. XVII, p. 484) briefly states that all homicide was punished with death. As to the manner of execution, it is variously stated. It would be unsafe to attempt going into details.

[778 [125] It is well known that there was an idol for the drunkards. *Sahagun* (Lib. I, cap. XXII. p. 40) even gives the names of thirteen "dioses del vino." According to *Gregorio Garcia* ("*Origen de los Indios*," etc. Lib. III, cap. II, §VI, p. 92, who mentions as authority *Fray Estevan de Salazar*, "*Historia, ó Relacion de la Teologia de los Indios Mexicanos*" lost in a shipwreck, 1564), they had three hundred gods of the drunkards "que de solos los borrachos tienen 300 Dioses." See also *Torquemada* (Lib. VI, cap. XXIX, p. 38) and others. The punishments are given by me after *Mendieta* (Lib. II, cap. XXX, pp. 139 and 140). Copied textually by *Torquemada* (Lib. XIV, cap. X. p. 550). Besides these, *Zurita* (pp. 110–112) asserts the same, even more explicitly, and he is followed by *Herrera* (Dec. III, lib, IV, cap. XVI, p. 136). *Vetancurt* (Vol. I, p. 485). *Clavigero* (Lib.